



2026:DHC:8094-DB



\$~93

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010440352026
+ **W.P.(C) 13565/2026 & CM APPL. 63337/2026, CM APPL. 63338/2026, CM APPL. 63339/2026**

UNION OF INDIA AND ORS

.....Petitioners

Through: Mr. Rohan Jaitley CGSC, Mr. Varun Pratap Singh, GP, Mr. Akshay Sharma Adv, Mr. Dev Pratap Shahi Adv, Mr. Yogya Bhatia Adv, Mr. Shyam Narayan Kumar (ACIT Vigilance))

versus

VIDYOTMA SINGH

.....Respondent

Through: Mr. Mohit Mathur Sr. Adv. with Mr. Jai Anant Dehadrai, Mr. Rohit Anil Rathi, Ms. Niharika Singh, Mr. Ram Pravesh Dubey, Ms. Yashwi Aswani, Mr. Yashas RK, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

% **16.09.2026**

C. HARI SHANKAR, J.

1. The issue which arises for consideration in this matter is whether the respondent, who is admittedly suffering from disability, and is in possession of a certificate issued by the competent authority



under the Right of Persons with Disability Act 2016¹, certifying that she suffers from disability in excess of 40%, could, 9 years after she was appointed on that basis, be subjected to a fresh medical examination by the employer and further subjected to an inquiry on the ground that, in the fresh medical examination, the percentage of disability was found to be less than 40%.

2. To our mind, a medical examination cannot constitute a basis for the employer to sit in appeal over a certificate issued by the competent authority under the RPwD Act. We may note that, apart from the fact that the medical examination seems to indicate that the percentage of disability from which the respondent suffered was less than 40%, there is no other basis cited, in the show cause notice issued to the respondent, to support the allegation that the certificate of disability was fraudulently obtained.

3. The respondent was an Indian Revenue Service (Income Tax) Officer, who was recruited to the service following success in the Central Civil Services Examination of 2015. She was appointed as a person with benchmark disabilities², in support of which she had produced a disability certificate dated 27 December 2013, issued by the Medical Superintendent, VMCC and Safdarjung Hospital, New Delhi, certifying that she suffered from 40-50% hearing impairment in both ears. Her disability was clinically assessed as “bilateral sensori neural hearing loss”.

¹ “RPwD Act” hereinafter



2026:DHC:8094-DB



4. Moreover, prior to her joining services, as required by the UPSC and in accordance with the rules of the CSE, the respondent was again examined, apropos her disability, by the Ram Manohar Lohiya Hospital, which certified that the respondent was “partially deaf” with the percentage of her disability being 50.94%.

5. Having joined the Income Tax Service in 2016, the respondent was confirmed with effect from 29 August 2018 and promoted as Deputy Commissioner with effect from 1 January 2021.

6. Mr. Dehadrai, learned Counsel appearing for the respondent, also points out that the respondent is presently before the Central Administrative Tribunal assailing the failure on the part of the petitioner to promote her as Joint Commissioner of Income Tax and that the said OA is listed before the Principal Bench of the Tribunal tomorrow i.e., 17 September 2026.

7. Mr. Dehadrai submits that this petition has been urgently listed today only so as to stymie the chance of the respondent succeeding in the said OA.

8. For want of adequate material, we do not return any finding on the said submission.

9. However, having heard learned Counsel, we are of the opinion that the impugned judgment of the Tribunal does not call for any

² “PwBD” hereinafter



2026:DHC:8094-DB



interference.

10. Reverting to the facts, the respondent was called upon to undergo a fresh medical examination which was undertaken on 29-30 August 2024. According to the respondent, the tests which she was called upon to undergo during the said examination were not the appropriate test and were different from the tests which she had undergone at the time of obtaining her disability certificate, as conducted by the VMCC and Safdarjung Hospital.

11. Be that as it may, following the fresh medical examination, a medical report was issued on 20 September 2024, opining that the respondent suffered only from 9% hearing impairment.

12. On the ground that 9% hearing impairment would not qualify the respondent as a PwBD under the RPWD Act, the petitioner issued the following show cause notice to the respondent on 4 December 2024:

“Confidential

No. C-29016/99/2024-Ad VIA
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Direct Taxes)

North Block, New Delhi
Dated: 4th December, 2024

Show Cause Notice

WHEREAS Ms. Vidyotma Singh. IRS(IT) [CSE 2015) has entered into Central Government service under Persons with Benchmark Disabilities (PwBD) category on the basis of Civil Service Examination (CSE) 2015 conducted by Union Public Service

Signature Not Verified

Digitally Signed By: AWP.(C) 13565/2026
KUMAR
Signing Date: 22.09.2026
16:42:27

Page 4 of 15



2026:DHC:8094-DB



Examination.

AND WHEREAS as per provisions of CSE Rules, a candidate who suffers permanently from not less than 40% of relevant benchmark disability is eligible to apply against services reserved for PwBD category. If a candidate is found to be below 40% of disabilities, he/she is disqualified for allocation of service under PwBD category.

AND WHEREAS upon conducting re-medical examination for assessment of Benchmark Disability of Ms. Vidyotma Singh, IRS(IT) [CSE 2015], DGHS, M/o Health & Family Welfare has forwarded Medical Report dated 20.09.2024 in respect of Ms. Vidyotma Singh where here Hearing impairment (HI) has been found to be 9% which is below 40% of the Benchmark Disability (copy enclosed).

AND WHEREAS on a careful consideration of the Medical Report dated 20.09.2024, the Competent Authority has provisionally come to the conclusion that Ms. Vidyotma Singh has secured employment on the basis of fraudulent claim of PwBD for which she is not entitled to.

NOW, THEREFORE, Ms. Vidyotma Singh is hereby given an opportunity of making representation within 15 days of its receipt as to why an enquiry under Rule 14 & 15 of CCS(CCA) Rules, 1965 may not be held against her for imposition of penalty of dismissal/removal from service, in case the charges are proved.

The receipt of the Notice should be acknowledged.”

13. Though the respondent submitted a preliminary response to the show cause notice, she chose to challenge the very issuance of the show cause notice before the Tribunal by way of OA 377/2025.

14. By the present impugned judgment dated 9 December 2025, the Tribunal has allowed OA 377/2025. The reasoning of the respondent, as contained in paras 16 to 23 of the impugned judgment, read thus:

“16. At the threshold, on examining the facts of the case, it is

Signature Not Verified

Digitally Signed By: AWP.(C) 13565/2026
KUMAR
Signing Date: 22.09.2026
16:42:27

Page 5 of 15



evident that the impugned Show-Cause Notice suffers from serious procedural infirmities. The non-supply of the medical report and other documents relied upon, the inadequate opportunity afforded to the applicant to submit an informed and meaningful reply, and her abrupt repatriation contemporaneous with the issuance of the above impugned Show Cause Notice, collectively establish a denial of procedural fairness. Courts and tribunals have repeatedly held that a show-cause notice that withholds foundational material or reflects a pre-decisional mind cannot withstand judicial scrutiny. In this context, it is apposite to refer to the decision of the Hon'ble Supreme Court in **Oryx Fisheries (P) Ltd.**³ (supra), wherein it was held:

"A. quasi-judicial authority, while acting in exercise of its statutory power, must act fairly and with an open mind while initiating a show-cause proceeding... The authority cannot confront the noticee with conclusions of guilt at the very threshold; if that is done, the entire proceeding stands vitiated by unfairness and bias."

17. Thus, while the administration does possess the authority in principle to order a re-medical examination or to re-verify eligibility for reservation, such power must be exercised in a fair, transparent and reasoned manner. Any re-examination must be based on disclosed documents, clearly stated reasons, and testing methodologies comparable to the original 2016 assessment. The absence of these essential elements renders the impugned Show-Cause Notice vulnerable. Although delay is not invariably fatal, an unexplained or inordinate delay causing demonstrable prejudice vitiates the proceedings. In light of the applicant's long-completed appointment, confirmation and service progression, the belated attempt to unsettle the settled eligibility raises a serious issue of prejudice and laches, particularly where the administration relies on a solitary late test almost after 09 (nine) years without disclosing the underlying medical record.

18. Under the Rights of Persons with Disabilities Act, 2016, the determination of "benchmark disability" requires assessment of $\geq$ 40% disability by a duly notified certifying authority. In the present case, the applicant was duly certified by competent Medical Boards in 2013 and 2016. These certifications constitute strong evidence of eligibility at the material time. Any later re-test conducted in 2024, if relied upon to impeach the earlier certificates, must withstand strict scrutiny as to comparability of tests, methodology, equipment, and reasons for re-assessment. A failure to maintain parity between the original and subsequent examinations materially

³ **Oryx Fisheries Pvt. Ltd. v. Union of India** (2010) 13 SCC 427



undermines the probative value of the 2024 assessment.

19. As observed by the Hon'ble Apex Court in *Oryx Fisheries* (supra), a valid show-cause notice must clearly indicate the charges and fully disclose the material forming the basis of the proposed action including the 2016 medical examination report as was done while induction of the applicant in service, so that the noticee may effectively respond. A notice alleging "fraud" but withholding essential medical records, test protocols or comparative data, is procedurally defective and reduces the exercise to an empty formality. The impugned notice, as issued, fails to satisfy this foundational requirement.

20. It is well-settled that while administrative authorities possess the power to investigate allegations of fraud, such power must be exercised reasonably and on the basis of cogent material. A generic referral by DoP&T for re-examination of multiple candidates may justify a broad administrative exercise in principle, but it does not authorise arbitrary reopening of individual cases without reasons specific to the officer concerned. The absence of any stated cause, preliminary inquiry, or material indicating irregularity in the medical test conducted in the years 2013 & 2016 certification further undermines the legitimacy of the re-test and the resulting Show-Cause Notice.

21. Although the CCS Rules do not prescribe a statutory period of limitation for initiating disciplinary or eligibility-related proceedings, the consistent judicial view is that unexplained or inordinate delay which results in prejudice to the employee vitiates the action. Here, the applicant had long been confirmed, promoted and deputed, and any belated reopening of eligibility required clear and objective justification. The unexplained gap of nearly eight years, together with the applicant's repatriation immediately following issuance of the Show-Cause Notice, gives rise to *prima facie* prejudice and renders the administrative action unsustainable.

22. It is noticed that the applicant's eligibility had been duly certified by Government Medical Boards in 2013 and 2016. A reassessment in 2024 after almost 09 (nine) years triggered by certain complaints and undertaken without supplying the earlier medical records cannot validly be used to impeach those certifications without full disclosure of methodology, prior test data, and meaningful opportunity to rebut. The eight-year interval, coupled with the timing of repatriation soon after service of the impugned Show Cause Notice, demonstrates tangible prejudice and strongly suggests that the notice was issued without a fair, reasoned, or legally sustainable process. On these grounds, we are



2026:DHC:8094-DB



of the considered view that the impugned Show Cause Notice deserves to be quashed.

23. In the result, for the foregoing reasons, the present OA is allowed in the following terms:

(i) The impugned Show-Cause Notice dated 04.12.2024 is quashed and set aside;

(ii) The applicant shall be entitled to all consequential benefits that naturally accrue upon the quashing of the impugned Show-Cause Notice; and

(iii) The respondents are directed to comply with these directions as expeditiously as possible, preferably within six weeks from the date of receipt of a certified copy of this Order.”

15. Aggrieved by the aforesaid decision, the Union of India is before us in the present writ petition.

16. We have heard Mr. Varun Pratap Singh, learned GP for the petitioner and Mr. Dehadrai, learned Counsel for the respondent.

17. Mr. Varun Pratap Singh invokes, in his support, the well-known principle, enunciated by the Supreme Court in several decisions, advising circumspection by courts while interfering with inquiry or disciplinary proceedings at their inception. He submits that there are only two circumstances in which such interference could be permitted, the first being where the authority issuing the notice is incompetent to do so and the second being where there is a violation of the principles of natural justice.

18. Mr. Singh also places reliance on the following circular issued by the DOPT on 5 August 2024:



2026:DHC:8094-DB



“Government of India
Department of personnel & Training
Ministry of Personnel, Public Grievances and Pensions
North Block, New Delhi-11001

Confidential
Dated: 05th August, 2024

Dear Prof. Goel

“As you are aware, the Civil Services Examination (CSE) Is conducted by the Union Public Service Commission (UPSC) annually in accordance with the CSE Rules notified by this Department. The CSE Rules are formulated each year by this Department In consultation with various stakeholders Including DGHS. As per the CSE Rules prescribed medical examination including assessing whether a PwBD category candidate meets the benchmark requirements is mandatory.

2. As per the provisions of CSE Rules, a candidate who suffers permanently from not less than 40 percent of relevant benchmark disability Is eligible to apply against services reserved for PwBD category. Further, the candidates whose benchmark disability has been assessed to be 40% or more by the respective Medical Board under the sub-category of the PwBD category under which they have been recommended by UPSC, are considered for allocation of service, subject to fulfilment of Functional Classification (FC) and Physical Requirements (PR) criteria.

3. Recently, this Department Is In receipt of various reports alleging that some of the candidates of the Civil Services Examination across the years have used disability certificates fraudulently to get the benefit of reservation under the Persons with Benchmark Disabilities (PwBD) category and finally succeeded in getting service. A list of such CSE candidates is annexed at Annexure-A.

4. In view of the above It has been decided to inquire into the genuineness of PwBD claims. Accordingly, I would request DGHS to kindly enquire on the following points:

- a) Whether these candidates as mentioned in Annexure-A, have the benchmark disability for availing the Reservation available to PwBD candidates.
- b) The percentage of their disability along with Functional Classifications and Physical Requirements (FC & PR).

Signature Not Verified

Digitally Signed By: AWP.(C) 13565/2026
KUMAR
Signing Date: 22.09.2026
16:42:27

Page 9 of 15



2026:DHC:8094-DB



c) Whether these candidates have physical limitation which hampers their writing capabilities owing to their disability, If any.

5. DGHS may consider to constitute a fresh Medical Board with the experts on the subject and examine their detailed disability as per extant relevant rules and regulations. Further, DGHS may seek necessary cooperation from the States/ CCAs where the persons are serving.

6. I shall be grateful if the requisite information/report could be provided to this Department, latest by 02.09.2024, positively.”

Regards

Yours sincerely
Sd/.
05/08/2024
Avinash Joshi”

19. He cites, for this purpose, the judgment of the Supreme Court in *Union of India v. Kunisetty Satyanarayana*⁴. He further submits that the issuance of show cause notice was in sync with the judgment of the Supreme Court in *State of U.P. v. Ravindra Kumar Sharma*⁵.

20. Having heard learned Counsel, in our view, the approach of the Tribunal is eminently in sync with the philosophy of the RPWD Act read with the pronouncements of the Supreme Court on the issue.

21. We may note, at the cost of repetition, that there is no material cited in the show cause notice issued to the respondent to support the allegation that the respondent obtained her disability certificate from the VMCC and Safdarjung Hospital by fraudulent means. The

⁴ 2006 (12) SCC 28



certificate itself is not alleged to be fabricated. Ordinarily, it is difficult to believe that an institution such as the VMCC and Safdarjung Hospital would issue a disability certificate fraudulently.

22. The only basis on which fraud in obtaining the certificate is alleged in the show cause notice is the fresh medical examination conducted by the petitioner. There is no justification cited in the show cause notice for conducting the fresh medical examination. Besides, a disability certificate issued by the competent authority under the RPWD Act is entitled to pre-eminence under the provisions of the statute and cannot be sought to be questioned on the basis of an independent medical examination conducted later.

23. An illuminating discussion of the reason for this, is to be found in para 70 of *Ravinder Kumar Dhaliwal v. Union of India*⁶ in which Chandrachud J has observed:

“70. Section 2(s) of the RPwD Act defines the words “person with disability” as “person with a long-term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in the society equally with others”. Section 2(c) defines barrier to mean “any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hamper the full and effective participation of persons with disabilities in society”. On a combined reading of the definitions provided in Sections 2(s) and 2(c) of the Act, it is evident that the RPwD — similar to the 2017 Act — defines “disability” as a social construct and not solely as a medical construct. The Act does not define a mental impairment to solely constitute a disability. Rather, it defines disability based on the interaction of the impairment with the barriers which in effect hamper the effective participation of an individual.”

⁵ (2016) 4 SCC 791

⁶ (2023) 2 SCC 209



2026:DHC:8094-DB



(Emphasis supplied)

24. Thus, it is not the medical condition of a person which, by itself, renders him “disabled” within the meaning of the RPwD Act, but the *extent to which the condition interferes with his effective participation in society*. A simple medical examination, conducted after a person has been employed after extending the benefit of the RPwD Act – in this case, 9 years after employment – cannot, therefore, override the certificate, and the benefit that flows from it.

25. At the cost of repetition, we are constrained to observe, with some degree of disquietude, that the fresh medical examination in the present case was conducted 9 years after the respondent joined service. Why, and in what circumstances, the petitioner decided, 9 years after the respondent had joined service, to subject her to a fresh medical examination, is unknown. At the very least, no such basis is available in the show cause notice issued to the respondent. We may go to the extent of holding that, even if the decision was *bona fide*, it is unjustified.

26. The approach of the Court, as well as of the executive authorities, while dealing with persons with disabilities, has to be qualitatively different from that which is adopted while dealing with other persons. A sensitive approach, in sync with the philosophy of the RPwD Act has to be adopted. This aspect has been reiterated, times without number, by the Supreme Court. The entire philosophy of the RPwD Act is one of reasonable accommodation and ensuring of



the availability of meaningful avenues to provide optimum chances for persons with disabilities to perform to the best of their abilities. If, 9 years after a person has, with her, a duly issued certificate under the RPwD Act, issued by a competent authority and on the basis of which she is provided employment, she is to be subjected to inquiry proceedings on the basis of a purportedly independent medical examination which was conducted by the employer, we would be doing violence to the very basis and philosophy of the policy of emancipation of the differently abled, and would empower executive authorities to flagrantly disobey the provisions of the RPwD Act.

27. Apropos the submission that the Court should not interfere with inquiry proceedings at the very inception, it is well settled that, where the proceedings themselves are found to be misconceived in the sense that there is no basis forthcoming even on the basis of the material contained in the notice issued to the employee, a court can interfere without requiring the employee to be subjected to inquiry proceedings. In *Union of India v. Upendra Singh*⁷, it has been held that if the allegations in a charge-sheet do not constitute misconduct, a Court can interfere even at that stage.

28. This principle would apply with all the more rigour where the employee concerned is a person suffering from disability.

29. We are sanguine that the afore-extracted circular dated 5 August 2024 can be invoked only in a case where there is *prima facie*

⁷ (1994) 3 SCC 357



2026:DHC:8094-DB



material to indicate that the very obtaining of the disability certificate by the concerned candidate was fraudulent. It cannot be invoked in a case in which there is no such material, or merely on the basis of a subsequent medical examination, whether conducted by the authorities or by the employer.

30. In the present case, the respondent is in possession not of one but of two certificates, one by the VMCC and Safdarjung Hospital and the second by the RML Hospital, both of which were as per the statutory norms, each of which certified the respondent to be suffering from over 40% disability.

31. It is not the allegation of the petitioner that either of these certificates were fraudulently obtained.

32. In these circumstances, we are clear that the issuance of the show cause notice to the respondent cannot be sustained on the basis of the circular dated 5 August 2024 issued by the DOPT.

33. In these circumstances, we are of the opinion that the Tribunal acted well within its powers in setting aside the proceedings against the respondent following the issuance of show cause notice dated 4 December 2024.

34. We, therefore, do not find this to be a case meriting interference in exercise of our jurisdiction under Article 226 of the Constitution of India.



2026:DHC:8094-DB



35. The writ petition is accordingly dismissed in *limine*.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

SEPTEMBER 16, 2026/dsn

Signature Not Verified

Digitally Signed By: AWP.(C) 13565/2026
KUMAR
Signing Date: 22.09.2026
16:42:27

Page 15 of 15